

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DEAN FOX

*Plaintiff,*

v.

REPRESENTATIVE JEREMY FAISON,  
State Representative, representing the 11th  
District of Tennessee House of Representa-  
tives, in his official capacity,

*Defendant.*

Hon. Aleta A. Trauger  
Civil No. 3:22-cv-00691

**DEFENDANT'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendant, Jeremy Faison, moves for an order from this Court dismissing the claims asserted against him in this lawsuit for lack of jurisdiction and failure to state a viable claim to relief. As the arguments and authorities set out in the accompanying Memorandum of Law demonstrate, even accepting the Complaint's allegations as true, they state no valid claim to relief because neither the U.S. Constitution nor the Tennessee Constitution governs speech restrictions in private forums or provides a constitutional right to access privately controlled forums for expression. Sovereign immunity bars the asserted state law claim. And, under Plaintiff's theory of the case, legislative immunity prohibits suit against Faison. Because Plaintiff cannot cure these defects in the Complaint, dismissal should be with prejudice.

Dated: November 21, 2022

Respectfully Submitted,

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Attorney General and Reporter

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*Counsel for Representative Jeremy Faison*

### **CERTIFICATE OF SERVICE**

I certify that I filed the above document using the Court's CM/ECF system on November 21, 2022, which electronically served a copy to all counsel of record, namely:

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Date: November 21, 2022

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